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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,378	12/09/2003	William Webb	035451-0109A	1377
26371	7590	06/13/2005	EXAMINER	
FOLEY & LARDNER 777 EAST WISCONSIN AVENUE SUITE 3800 MILWAUKEE, WI 53202-5308			DATSKOVSKIY, MICHAEL V	
		ART UNIT	PAPER NUMBER	
		2835		

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

(A)

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/707,378	WEBB ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Michael V. Datskovskiy	2835	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 08 June 2005.
- 2a) This action is **FINAL**.                                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-30 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 09 December 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

1. The Declaration filed on 06/02/2005 under 37 CFR 1.131 is sufficient to overcome the "Miramontes" reference.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-9, 11-24, 26-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Kwon (US 2004/0203513 A1).

Kwon teaches a handheld electronic communication device 1, Figs. 2-12, comprising: a housing 1 supporting a display 2; a first platform 1a (fixed portion) integrated into the housing 2 and supporting a first subset of a full set of raised alphabetic keys of a QWERTY keyboard; a second platform 14 (folding section) supporting a second subset of a full set of raised alphabetic keys 11 of a QWERTY keyboard, wherein said second platform 14 is connected to said first platform by a hinge 27 and is concealed from a view when in a folded position; and navigation/activation input buttons 3, which remain exposed (not concealed from a view) when said second platform 14 is in a first (closed) position. Kwon also teaches that said communication device can be used as phone, PDA, Handheld computer, messaging (E-mailing) device, etc. (paragraph [0001]).

Regarding to the claims 15-26: The method steps are obviously necessitated by the device structure as Kwon discloses it.

4. Claims 1-30 are also rejected under 35 U.S.C. 102(e) as being anticipated by Chung et al (US Patent 6,825,832).

Chung et al teach a handheld electronic communication device 10, Figs. 1-14, comprising: a housing 12 supporting a display 24; a first platform 60a (fixed portion) integrated into the housing 2 and supporting a first subset of a full set of raised alphabetic keys 58a of a QWERTY keyboard; a second platform 60b symmetrical to the first one, (folding section) supporting a second subset of a full set of raised alphabetic keys 58b of a QWERTY keyboard, wherein said second platform 60b is connected to said first platform by a hinge 70 and is concealed from a view when in a folded position; and navigation/activation input buttons 52 and 64, which remain exposed (not concealed from a view) when said second platform 60b is in a first (closed) position.

Kwon also teaches that said communication device can be used as phone, PDA, Handheld computer, messaging (E-mailing) device, etc. (col. 6, lines 6-65). Regarding to the claims 15-26: The method steps are obviously necessitated by the device structure as Chung et al disclose it.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Previously cited: Sirola et al (US Patent 6,661,404); Finke-Anlauff (US Patent 6,580,932); Bullister (US Patent 6,256,017); Bullister (US Patent 6,697,055);

Dunleavy (US Patent 6,748,242); Roylance (US Patent 5,687,058); Uchikura (US Patent 5,337,346); Katz (US Patent 6,-88,220); Curran (UK Patent 2279617A); Chieu et al (US Patent 5,457,453); Allison et al-US Patent 5,943,041); and newly discovered: Riddiford (US Patent 6,587,675), each of them is being applicable for the rejection of the at least claim 1 of the instant application.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael V. Datskovskiy whose telephone number is (571) 272-2040. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on (571) 272-2092. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael V Datskovskiy  
Primary Examiner  
Art Unit 2835

06/10/2005